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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Part 90 of the) PR Docket No. 93-61
Commission's Rules to Adopt) RM-8013
Regulations for Automatic)
Vehicle Monitoring Systems)

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COMMENTS

Pursuant to § 1.429(f) of the Commission's Rules (47 CFR § 1.429(f)), AT&T Corp. ("AT&T") respectfully submits the following comments on the Petitions for Reconsideration¹ ("Petitions") of the Commission's Report and Order, ("Order") FCC 95-41, released February 6, 1995.² The Order adopted permanent rules for the 902-908 MHz band and recites (§ 1) that the new scheme "balances the differing operational needs" of Location and Monitoring Service ("LMS")³ providers -- both multilateration and non-

¹ Eleven of the 20 filings bear this title. Others use such terms as "Limited Reconsideration" or "Partial Reconsideration," or add a request for "Clarification." One filing is untitled. The 20 parties who filed and the abbreviations used to identify them are set forth in the Appendix.

² There were two subsequent errata, the second of which completely replaced the Appendix to the Order containing the text of the rules. The final text of the new rules, along with a summary of the Order, was published in 60 Fed. Reg. 15251 et seq.

³ LMS replaces the Automatic Vehicle Monitoring ("AVM") systems permitted by the prior interim rules.

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multilateration systems -- as well as unlicensed Part 15 devices and the amateur service. The concurring opinions of three Commissioners fairly characterize this balance: "a reasonable compromise" (Commissioner Ness); "the best of three not very good alternatives" (Commissioner Quello); and "the best we can do at this time" (Commissioner Chong).

The Petitions themselves provide the clearest indication that the new rules balance the sharply conflicting interests which pressed their widely divergent viewpoints through two rounds of comments and replies and extensive written and oral ex parte communications. That indication is that important aspects of the balance struck by the Commission were attacked from all sides: proponents of different kinds of multilateration⁴ and non-multilateration⁵ LMS systems; users of non-multilateration systems;⁶ manufacturers of various kinds of Part 15 devices;⁷ business⁸ and non-business⁹ users of Part 15

⁴ Teletrac; Mobilevision; Pinpoint; SBMS; Uniplex.

⁵ AMTECH; Hughes; TI.

⁶ Interagency Group.

⁷ Cellnet; Metricom; Part 15 Coalition; Safetrans; WTC.

⁸ Ad Hoc; UTC.

⁹ Learning Coalition.

devices; and the amateur community.¹⁰ Moreover, even the Commission's use of RM's Major Trading Area ("MTA") information¹¹ and the title to new Subpart M¹² were opposed. If it is true that a good test of a fair compromise is that it leaves nobody entirely happy, the rules adopted in the Order pass that test with flying colors.

Accordingly, the Commission should not reconsider the Order's balancing of the divergent needs of users who will be sharing the 902-928 MHz band. For example, the proposals of LMS proponents to change the Commission's band plan¹³ and the safe harbor under which Part 15 devices meeting certain requirements are considered not to interfere with LMS systems¹⁴ go to the heart of that balancing. Therefore, the Commission should reject such proposals. On the other hand, clarification or modification of the rules

¹⁰ ARRL.

¹¹ RM's point is that its copyrighted listings cannot be used without its consent and that a license such as that granted in connection with other Commission proceedings is required in this case. This argument does not relate to the substance of the new rules and AT&T takes no position on it.

¹² ITS urged the Commission to change the title of Subpart M from "Transportation Infrastructure Radio Service" to "Intelligent Transportation Systems."

¹³ AMTECH (p.19); Pinpoint (p.12); SBMS (pp. 5-6).

¹⁴ Mobilevision (p. 13); Pinpoint (p. 21); SBMS (p. 9).

in the interest of better implementation of the balance struck therein would be appropriate. AT&T discusses some worthwhile proposals to that end contained in the Petitions.

To "strike an equitable balance" between the wishes of LMS providers to offer expanded service and the concerns of the Part 15 and amateur communities, the new rules permit "a limited expansion of potential applications of LMS" (Order, ¶ 23). Specifically, LMS systems are permitted to "transmit status and instructional messages, either voice or non-voice, so long as they are related to the location or monitoring functions of the system", (§ 90.353(b))¹⁵ and to use "store and forward interconnection" to provide "later transmission" of communications between the vehicle or object being monitored and the public switched network (§ 90.353(c)).

Several petitioners pointed out that the breadth of the language permitting LMS systems to transmit "status and instructional messages" which are "related to" location and monitoring may not, in practice, implement the Commission's intent that LMS is not to be used for "general

¹⁵ So long as the "primary operations" of multilateration LMS systems involve locating vehicles, such systems can also provide "non-vehicular location services" (§ 90.353(g)). Non-multilateration systems remain confined to vehicle locating operations (§ 90.353(h)).

messaging purposes" (Order, ¶ 26).¹⁶ In the same vein, SBMS (p. 10) pointed out that the rule allowing LMS systems to use "store and forward interconnection" with the public switched network could be read to permit storage for an "instant," so that delay in conversation is "imperceptible," thus rendering the prohibition on interconnected voice service "meaningless."¹⁷

MobileVision's Petition shows that concerns about the effectiveness of the new rules to carry out the Commission's intent are not groundless. MobileVision confessed that "location services alone do not form the basis for a business case" (p. 6), and proposed that the permitted use of LMS be broadened (pp. 2-7). In addition to rejecting this MobileVision proposal, it would be appropriate for the Commission to clarify or tighten these rules, including using some of the ideas in the Petitions. For example, Cellnet suggests an explicit rule that general messaging services are prohibited (p. 10), while UTC suggests time and frequency limits on messages (p. 10). Two

¹⁶ Cellnet (p. 10); Learning Coalition (p. 12); Metricom/SCE (p. 14) (questioning whether a message to one's spouse that one is at a specific location and will be late fits within the rule); UTC (p. 8) (noting the implausability of expecting LMS service providers to monitor communications for impermissible content)

¹⁷ Accord: Part 15 Coalition (p. 12).

commenters propose that the rules specify a minimum storage time before a message is forwarded.¹⁸

To ensure that coexistence between multilateration LMS systems and Part 15 devices "is as successful as possible" (Order, ¶ 82), the rules provide that licenses of such systems will be conditioned on the licensees ability to "demonstrate through actual field tests" that they do not "cause unacceptable levels of interference" to Part 15 devices (§ 90.353(d)). It would be reasonable for the Commission to improve the effectiveness of this process by establishing guidelines for this testing and for what constitutes "unacceptable interference,"¹⁹ and by requiring applicants to specify measures taken to protect against such interference, including providing any supporting test results.

Finally, to avoid "undue hardship on existing operating multilateration AVM systems, "the Commission adopted grandfathering rules (Order, ¶ 61). Licensees of existing systems who have filed to modify their licenses to comport with the new band plan can continue to operate existing stations until April 1, 1998, by which date they

¹⁸ Learning Coalition (p. 13); Metricom/SCE (p. 15).

¹⁹ Cellnet (pp. 7-8); Metricom/SCE (pp.9-10); Part 15 Coalition (pp. 15-16); UTC (pp. 11-12).

must convert to the spectrum specified in the modified license (§ 90.363(a) and (c)). Such licensees must place non-constructed stations in operation per the new band plan by April 1, 1996 (§ 90.363(d)). Grandfathered AVM systems were not, however, licensed on an MTA basis, as new systems will be (§ 90.353(d)). But the safe-harbor provision, under which Part 15 devices meeting certain requirements are not considered to interfere with LMS systems, applies in terms only to such systems "operating in one of the three MTA sub-bands" (§ 90.361).

The failure to protect complying Part 15 devices against claims of interference to grandfathered AVM systems appears to be an inadvertent drafting error. Nothing in the Commission's discussion of the safe harbor (Order, ¶¶ 29-39) or of grandfathering (Order ¶¶ 61-64) indicates any intent to establish different standards for claims of interference by Part 15 devices to new, versus grandfathered, systems. Therefore, § 90.361 should be clarified as the Part 15 Coalition proposes (p. 12), better to implement the compromise between the needs of LMS systems and Part 15 devices that is a major thrust of the new rules.

CONCLUSION

The rules adopted in the Order, albeit not perfect, represent adequate compromises permitting

multilateration and non-multilateration LMS systems, Part 15 devices and the amateur service to share the 902-928 MHz band. The Petitions do not justify revisiting the bases of those compromises. On the other hand, the Commission should improve the implementation of those compromises in various respects, such as those discussed herein.

Respectfully submitted,

AT&T CORP.

By: Ernest A. Gleit

Mark C. Rosenblum
Kathleen F. Carroll
Ernest A. Gleit

Its Attorneys

Room 3252F3
295 North Maple Avenue
Basking Ridge, New Jersey 07920

Dated: May 24, 1995

APPENDIX

Ad Hoc Gas Distribution Utilities Coalition - Ad Hoc
Air Touch Teletrac - Teletrac
American Radio Relay League, Incorporated - ARRL
AMTECH Corporation - AMTECH
Cellnet Data Systems, Inc. - Cellnet
Connectivity for Learning Coalition - Learning Coalition
Hughes Transportation Management Systems - Hughes
Intelligent Transportation Society of America - ITS
Interagency Group (New Jersey Highway Authority,
New Jersey Turnpike Authority, New York State Thruway
Authority, Pennsylvania Turnpike Commission,
Metropolitan Transportation Authority - Bridges and
Tunnels, Port Authority of New York and New Jersey,
South Jersey Transportation Authority, Delaware
River Port Authority)
Metricom, Inc. and Southern California Edison Company -
Metricom/SCE
MobileVision, L.P. - Mobilevision
Part 15 Coalition
Pinpoint Communications, Inc. - Pinpoint
Rand McNally & Company - RM
Safetrans Systems Corporation - Safetrans
Southwestern Bell Mobile Systems, Inc. - SBMS
Texas Instruments Inc. and MFS Network Technologies, Inc. -
TI/MFS
Uniplex Corporation - Uniplex
UTC
Wireless Transactions Corporation - WTC

CERTIFICATE OF SERVICE

I, Janice Knapp, hereby certify that on this 24th day of May, 1995, copies of AT&T's Comments were mailed, postage prepaid, to the following:

George L. Lyon, Jr.
Lukas, McGowan, Nace
& Gutierrez, Chartered
1111 19th Street, N.W.
Suite 1200
Washington, DC 20036
Attorneys for Ad Hoc Gas
Dist. Utilities Coalition

Mario Proietti
AirTouch Teletrac
7391 Lincoln Way
Garden Grove, CA 92641

Kathleen Q. Abernathy
Vice President
Federal Regulatory
AirTouch Communications, Inc.
1818 N Street, N.W.
Washington, DC 20036

Theresa Fenelon
Pillsbury Madison & Sutro
1050 Connecticut Ave., N.W.
Suite 1200
Washington, DC 20036
Attorneys for AirTouch Teletrac

Christopher D. Imlay
Booth Freret & Imlay
1233 20th Street, N.W.
Suite 204
Washington, DC 20036
Attorney for American Radio
Relay League, Inc.

Lawrence J. Movshin
Wilkinson, Barker,
Knauer & Quinn
1735 New York Ave. NW
Washington, DC 20006
Attorney for Cellnet Data
Systems, Inc.

Gordon M. Ambach
Executive Director
Council Of Chief State
School Officers
One Massachusetts Ave, NW
Suite 700
Washington, DC 20001-1431

Gary M. Epstein
Raymond B. Grochowski
Latham & Watkins
1001 Pennsylvania Ave, NW
Washington, DC 20004
Attorneys for Hughes
Transp. Mgmt. Sys.

Robert B. Kelly
W. Ashby Beal, Jr.
Kelly & Povich, PC
1101 30th Street, NW
Suite 300
Washington, DC 20007
Attorneys for Intelligent
Transp. Soc. of America

John J. McDonnell
Reed Smith Shaw
& McClay
1200 18th Street, NW
Washington, DC 20036
Attorney for Mobile
Vision, L.P.

David E. Hilliard
Edward A. Yorkgitis, Jr.
Karen A. Kincaid
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006
Attorneys for AMTECH Corp.

Henry Goldberg
Henrietta Wright
W. Kenneth Ferree
Goldberg, Godles, Wiener
& Wright
1229 Nineteenth Street, NW
Washington, DC 20036
Attorneys for Part 15 Coalition

Deborah Lipoff, Esq.
Associate General Counsel
Rand McNally & Company
8255 North Central Park
Skokie, IL 60076

Glen Wilson, Vice President
Safetran Systems Corporation
Engineering Research
& Development Division
10655 7th Street
Rancho Cucamonga, CA 91730

Wayne Watts
VP & General Attorney
Southwestern Bell Mobile
Systems, Inc.
17330 Preston Road
Suite 100A
Dallas, TX 75252

Allan R. Adler
Roy R. Russo
Cohn and Marks
1333 New Hampshire Ave NW
Suite 600
Washington, DC 20036-1573
Attorneys for Interagency
Group

David E. Hilliard
Edward A. Yorkgitis, Jr.
Michael K. Baker
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006
Attorneys for Pinpoint
Communications, Inc.

Daniel S. Goldberg, Esq.
Goldberg, Godles, Wiener
& Wright
1229 Nineteenth Street NW
Washington, DC 20036
Attorneys for Rand McNally
& Company

Henry M. Rivera
Larry S. Solomon
Ginsburg, Feldman
& Bress, Chtd.
1250 Connecticut Ave NW
Washington, DC 20036
Attorneys for Metricom, Inc.
and Southern California
Edison Co.

Louis Gurman
Jerome K. Blask
Nadja S. Sodos
Gurman, Kurtis, Blask
& Freedman, Chartered
1400 Sixteenth St., NW
Suite 500
Washington, DC 20036
Attorneys for Southwestern
Bell Mobile Systems, Inc.

Andrew D. Lipman
Catherine Wang
Swidler & Berlin, Chartered
3000 K Street, NW
Suite 300
Washington, DC 20007
Attorneys for Texas Instruments
and MFS Network Technologies, Inc.

Kelly D. Dahlman
Legal Counsel
Texas Instruments Inc.
13510 N. Central Expwy.
P O Box 655474, MS 241
Dallas, TX 75265

McNeil Bryan, President
Uniplex Corporation
2905 Country Drive
St. Paul, MN 55117

Jeffrey L. Sheldon
General Counsel
UTC
1140 Connecticut Ave NW
Suite 1140
Washington, DC 20036

Because no mailing address was provided, a copy of AT&T's
Comments could not be mailed to:

Hugh M. Pearce
President and CEO
Wireless Transactions Corporation


Janice Knapp

Dated: May 24, 1995